

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DOUGLAS KEMPER, : **CIVIL ACTION NO. 1:17-CV-1833**

Plaintiff : **(Chief Judge Conner)**

v. :

**JOHN STEINHART, Corrections
Health Care Administrator, et al.,** :

Defendants :

ORDER

AND NOW, this 24th day of June, 2019, upon consideration of the report (Doc. 59) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the recent filing by *pro se* plaintiff Douglas Kemper (“Kemper”) be denied to the extent that the filing is construed as a motion for reconsideration pursuant to Federal Rule of Civil Procedure 60(b), and further recommending that the above-captioned case be dismissed with prejudice due to Kemper’s failure to file an amended complaint within the time period set forth in the court’s March 4, 2019 order (Doc. 54), and it appearing that Kemper has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford “reasoned consideration” to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to “satisfy itself that there is no clear error on the face of

the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court being in agreement with Judge Saporito's recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 59) of Magistrate Judge Saporito is ADOPTED.
2. Kemper's filing (Doc. 58) is CONSTRUED as a motion for reconsideration pursuant to Rule 60(b) and is DENIED as so construed.
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania